

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

[party],)	
)	
Plaintiff(s),)	
)	Case No.
v.)	
)	Judge Mattice
[party],)	
)	
Defendant(s).)	

SCHEDULING ORDER

This case appears to be an action seeking benefits under the provisions of an employee benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (“ERISA”). Based on that assumption, and pursuant to Federal Rule of Civil Procedure 16(b), the Court proposes the following as a scheduling order. Unless any party objects within thirty (30) days, this will constitute the scheduling order applicable to the case.

It is **ORDERED** as follows:

1. The employee benefit plan administrator or fiduciary must serve a full and complete copy of the administrative record in this case on the plaintiff and file a “Notice of Service of the ERISA Record” with the Court within forty-five (45) days of this Order.
2. The employee benefit plan administrator or fiduciary must file the relevant portions of the administrative record in this case with the Court within seventy-five (75) days of the entry of this Order.
3. In the event any discovery in this case is appropriate, it will be completed within sixty (60) days after defendant files its “Notice of Service of the ERISA Record.”
4. All parties are deemed to have moved for judgment in their respective favor based upon the administrative record.

5. The plaintiff must file a brief stating the grounds on which benefits or other relief in this case are claimed within ninety (90) days after the defendant files its “Notice of Service of the ERISA Record.” At the same time, the plaintiff must file any objections to the authenticity of the administrative record.

6. The defendant must file a brief in response within twenty (20) days after service of the plaintiff’s brief.

7. If the plaintiff desires, the plaintiff may file a reply brief within seven (7) days following the service of the defendant’s brief.

8. If deemed necessary, the Court will schedule an oral argument; however, the Court may resolve the case based only upon the written submissions.

9. If a party files a notice of settlement, the Court will dismiss the case if no agreed final order or judgment is submitted within thirty (30) days.

10. By written stipulation signed by all counsel and filed with the Court, the parties may adjust the deadlines set forth above, except for the deadline in paragraph nine, provided that no extension greater than thirty (30) days of any particular deadline date will be permitted except by permission of the Court.

11. This matter is hereby referred to the United States Magistrate Judge assigned to this case for hearing and determination, and a report and recommendation if necessary, pursuant to 28 U.S.C. § 636(b)(1)(A), (B), and (C) and Fed. R. Civ. P. 72(a). If the parties wish to consent that all proceedings in this case may be conducted by the United States Magistrate Judge assigned to this case in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the appropriate consent form is available on the Court’s web site (<http://www.tned.uscourts.gov/forms.php>).

SO ORDERED.

ENTER:

/s/ *Harry S. Mattice, Jr.*

HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE